

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – September 5, 2008
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:01 a.m. and adjourned at 9:57 a.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods

Commissioners Absent: None

Advisors Present: Sinsay (DPW); Taylor (OCC)

Staff Present: Baca, Campbell, Gibson, Giffen, Grunow, Maxson, Sheredy, Slovick, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of August 22, 2008

Action: Beck - Day

Approve the Minutes of August 22, 2008.

Ayes: 7 - Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 0 - None

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

D. Announcement of Handout Materials Related to Today's Agenda Items

E. Formation of Consent Calendar: Items 2 (VTM 5515RPL¹/S06-043), and 3 (TM 5542)

RP 79-005W¹, Agenda Item 1:

1. National Quarries Reclamation Plan Modification (RP) 79-005W¹, Bon-sall Community Plan Area

Proposed Modification of an existing approved Reclamation Plan, RP 79-005 (1979) as amended (2002), in order to bring the Reclamation Plan into compliance with all California Surface Mining and Reclamation Act (SMARA) amendments passed since 1975; amend the 1979 mining plan to accommodate current plans and future uses; and include the entire 210-acre site and all disturbed lands under the reclamation requirement. The current mining operation onsite was determined to be a vested right and is not subject to a Major Use Permit. The project is located approximately four miles east of Vista and seven miles northwest of Escondido on Twin Oaks Valley Road.

Staff Presentation: Maxson

Proponents: 4; **Opponents:** 1

Discussion:

Staff provides a brief overview of the project and the existing mining operation, explaining that the Courts determined in 2007 that National Quarries had a vested right to conduct mining operations on the entire 210-acre site. Under the State Mining and Reclamation Act (SMARA), all surface mining operations are required to have an approved Reclamation Plan issued under the authority of the lead agency. Staff explains that today's Reclamation Plan Modification, in response to questions raised by Commissioner Beck at the Planning Commission's April 18, 2008 meeting, is intended to define how the land will be reclaimed to a condition suitable for an alternate end use after cessation of mining operations. The existing approved Reclamation Plan was prepared in 1979 and shows approximately 20 acres of disturbed area. Approval of the proposed Reclamation Plan Modification will provide the County with a plan that can serve as a guideline for conducting on-going annual inspections of the entire site. The current Modification will also bring the Reclamation Plan into compliance with all California SMARA amendments since 1975, and allow inclusion of the entire 210-acre site and disturbed lands under the reclamation requirements. It is expected that the mining operation will continue for approximately 75 years or until resources are depleted. Reclamation efforts will include final slope grading, reactivation of top soils, and revegetation.

RP 79-005W¹, Agenda Item 1:

At the Planning Commission's April 18, 2008 hearing, Staff requested a continuance to revise the Reclamation Plan to respond to the comments provided by the Department of Conservation. At that hearing, Commissioner Beck also raised questions regarding (1) the level of detail required for the proposed end-use on the reclaimed site; (2) the site's relationship to both the General Plan update and the draft North County MSCP; (3) revegetation plan objectives related to slope stability; and (4) what the slope grading requirements are for reclamation. Staff explains that SMARA does not require a land-use development plan for end uses. A proposed end-use within a Reclamation Plan is designed to return the land back to a condition suitable for an alternate land use, and while recycling is identified as an example of end-use and the post-mining land-form could accommodate this use, many other uses could be entertained subject to discretionary review and review under CEQA.

With respect to the project site's relationship to the General Plan update, Staff explains that a Rural Lands land-use designation is proposed for project area. The referral map and the hybrid map both propose one du/20 acre zoning, and both the draft land use the environmentally superior maps propose one du/40 acres. Staff further explains that the project site is located within the draft North County MSCP, in an area proposed as a pre-approved mitigation area for PAMA. Staff believes the PAMA designation in this area is based on vegetation mapping on file with the County of San Diego and, while historically this area is mapped as undisturbed, within the last seven years mining on the site has greatly expanded under its vested right. Staff has determined that the existence of National Quarries within this area of PAMA will not affect the functions or viability of this area overall.

With regard to the revegetation plan, Staff clarifies that SMARA requires minimization of erosion by utilizing species that are compatible with the surrounding area. While the Reclamation Plan text does not specifically identify revegetation species as being native, the species list provided within the Plan includes 100% native species. In addition, the plan calls for collection of seeds from the areas around National Quarries.

Staff explains that the slopes at National Quarries will range between 3:1 and 1:1. The identified slope gradients are subject to annual evaluation to confirm whether the approved geometry is stable or if a modified final geometry is necessary.

RP 79-005W¹, Agenda Item 1:

Since the April 18, 2008 hearing, the Reclamation Plan has been revised to include the four offsite areas, two of which are owned by the Bureau of Land Management (BLM), and two of which are owned by private entities. These portions of the site must also be reclaimed pursuant to SMARA, and the BLM acknowledges the encroachments made by National Quarries.

Staff informs the Planning Commission that the scope of the subsequent Mitigated Negative Declaration prepared for this project focused on the reclamation of the site and not the vested mining operation. Mitigation for reclamation activities include installation of a groundwater monitoring well with annual inspections to assess ongoing slope and groundwater conditions. In addition, the access roadway must be improved in a manner consistent with County public road standards.

During public review, comments were received from the Native American Heritage Commission, the Department of Conservation, the Vista Valley Country Club Homeowners Association, and Gatske, Dillon and Bounds on behalf of a neighboring property owner. The majority of the comments focused on potential impacts associated with the ongoing mining operation, which is not the subject of this review. Comments received from the Department of Conservation required responses from Staff identifying how previous comments from the State Department were addressed. A minor change to the Initial Study was made as a result of the comments from the Vista Valley Country Club clarifying the extent of reclamation activities and their visibility from the Country Club. The Bonsall Sponsor Group didn't provide a formal recommendation on this project; however, the chairwoman informed Staff that any concerns the Group expressed about the project were resolved.

In response to an inquiry from Commissioner Beck as to why Staff recommends reclamation of the encroached upon BLM rather than restoration, Staff clarifies that those lands will be restored to their vegetated state, based on the standards of the Reclamation Plan. It is further explained that the encroachment occurred in 1970 as a result of mining claims on that land. Those claims were resolved in 1988 and the BLM accepts the proposed Reclamation Plan and the proposed revegetation.

Commissioner Beck also seeks clarification regarding the final formation of slopes following grading. He's informed that the slopes will be rounded, curved, undulating from area to area depending on the geology, and revegetated with native plant species.

RP 79-005W¹, Agenda Item 1:

The Commission is informed by a member of the audience that the mining operation cannot expand without approval of the Reclamation Plan. This audience member also insists that the applicant only has vesting rights on a portion of the 210-acre site, and maintains that the impact of the 80-acre development hasn't been addressed in Staff's report. Following this testimony, Commissioner Day informs those in attendance that he will not support approval of the proposed Reclamation Plan Modification at this time and recommends a two-week continuance of this hearing to allow a more thorough review of the records and the Court's decision.

Commissioner Woods does not oppose continuing today's hearing, but directs that a photographic record be maintained along with other records and reports to assist in future site reclamation efforts. Staff assures him that the Reclamation Plan will be modified to include a requirement for photographic documentation of the slopes onsite as they exist now.

Action: Day – Woods

Continue to the meeting of 09/19/08. Counsel Mehnert is to attend this hearing, and the Secretary is to provide the minutes of each Planning Commission hearing on National Quarry.

Ayes:	7 -	Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

VTM 5515RPL¹/S06-043, Agenda Item 2:**2. Bancroft Square Condominium Complex, Vesting Tentative Map (VTM) 5515RPL¹ and Site Plan S06-043**

Proposed one-lot subdivision of 1.73 acres for the construction of 22 condominium units on 1.73 acres of vacant property. The proposed project is designed as 11 detached duplex units. Each unit includes an attached lower-level parking garage containing two parking spaces; a fenced private backyard opens pace that contains a minimum of 350 square feet; a first floor that contains a living room, dining room, half bath, utility room and kitchen; and a second story that contains three bedrooms and two bathrooms. The units will be subject to the (8) Residential Land Use Designation, and the RU 15, Urban Residential Use Regulations which allow a maximum density of 14.5 dwelling units per acre. The project site is located on the west side of Bancroft Drive between Olive Street and LaMar Street in the Spring Valley Community Plan Area.

Staff Presentation: Slovick

Proponents: 2; **Opponents:** 0

This Item is approved on consent.

Action: Beck – Day

1. Adopt the Resolution approving Vesting Tentative Map (VTM) 5515RPL¹, which includes the appropriate findings and requirements and conditions necessary to ensure project implementation in a manner consistent with State law and the County of San Diego Subdivision Ordinance; and
2. Grant Site plan S06-043, which makes the appropriate findings and requirements and conditions necessary to ensure project implementation in a manner consistent with State law and the County of San Diego Zoning Ordinance.

Ayes:	7 -	Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

TM 5542, Agenda Item 3:

3. Casa de Oro Tentative Map (TM) 5542, Valle de Oro Community Plan Area

Proposed Tentative Map to allow conversion of six apartment units, currently under construction, into a six-unit condominium complex. The complex is located on a 0.30-acre parcel at 3659 Bonita Street. The site is in the (1.1) Current Urban Development Area Regional Category and the (10) Residential Land Use Designation, which allows 24 dwelling units per acre. The site is zoned (RU24) Urban Residential Use Regulation (24 dwelling units per acre).

Staff Presentation: Campbell

Proponents: 0; **Opponents:** 0

This Item is approved on consent.

Action: Beck – Day

Adopt the Resolution approving TM 5542, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law.

Ayes:	7 -	Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

Administrative:

F. Director's Report:

The Citygate Report will be finalized Monday (09/08/09), and a summarization of the report will be provided to the Planning Commissioners at their September 19, 2009 meeting. When available, Staff will also provide the Planning Commission with a preview of the report that will be presented to the Board of Supervisors.

G. Report on actions of Planning Commission's Subcommittees:

None.

H. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

None.

I. Discussion of correspondence received by the Planning Commission:

None.

J. Scheduled Meetings:

September 19, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 3, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 17, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 31, 2008	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
November 7, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 21, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 5, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 19, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 9:57 a.m. to 9:00 a.m. on September 19, 2008 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.